

SENATE JOURNAL OF THE IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

—————
**FORTY-FOURTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 19, 2008**

Senate Chamber

President Risch called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Corder, McKenzie, and Stennett, absent and formally excused by the Chair; and Senators Gannon, Lodge, Pearce, Schroeder, and Stegner, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Danielle Cotner, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 18, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions and Memorials

SP 101 BY STATE AFFAIRS COMMITTEE A PROCLAMATION

COMMEMORATING AND CELEBRATING THE 100TH
ANNIVERSARY OF THE FOUNDING OF THE UNITED
STATES ARMY RESERVE AND HONORING THE MEN AND
WOMEN OF THE UNITED STATES ARMY RESERVE.

We, the members of the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-ninth Idaho Legislature, do hereby proclaim:

WHEREAS, on April 23, 1908, the Congress of the United States created the Medical Reserve Corps, a group of 360 doctors formed to provide the nation with a reservoir of trained medical officers in a time of war; and

WHEREAS, on April 23, 2008, the nation will celebrate the 100th anniversary of the founding of the United States Army Reserve; and

WHEREAS, for 100 years the Army Reserve has expanded upon this successful model that leverages civilian skills and patriotism; and

WHEREAS, in the event of national disasters such as hurricanes and flooding, Army Reserve soldiers are on the scene to support humanitarian and relief operations; and

WHEREAS, soldiers in the Army Reserve use their civilian and military training to safeguard the nation's data, develop secure communications technologies, and maintain, process and troubleshoot military information systems; and

WHEREAS, the Army Reserve responds to chemical and biological threats, provides biohazard training to federal agencies and plays a crucial role in the maintenance and supervision of nuclear, biological and chemical detection and decontamination equipment; and

WHEREAS, soldiers in the Army Reserve operate the transportation and supply systems that keep the Army in motion, supplying troops around the world; and

WHEREAS, during times of both war and peace, soldiers in the Army Reserve help countries establish or restore governmental institutions and functions; and

WHEREAS, Army Reserve soldiers assist U.S. and foreign governments, militaries and civilian populations with psychological operations during times of peace, crisis and conflict; and

WHEREAS, the Army Reserve staffs most of the Army's hospitals, triage centers, clinics and field medical care units as their medical capabilities often exceed active duty personnel capabilities because of the civilian experience they bring to the job; and

WHEREAS, the Army Reserve has played integral roles in World War I, World War II, Korea, Vietnam, the Cold War, Panama, the Persian Gulf, Somalia, Haiti, Bosnia, Kosovo, the Iraq War and the Global War on Terror; and

WHEREAS, the Army Reserve is a vital part of the world's best military providing specialized, skill-rich services.

NOW, THEREFORE, BE IT PROCLAIMED by the members of the Senate assembled in the Second Regular Session of the Fifty-ninth Idaho Legislature, that we join in commemoration and celebration of the 100th anniversary of the founding of the United States Army Reserve and we respectfully honor the men and women of the United States Army Reserve as they work not only to defend their homeland against terrorist attack, but also to lend invaluable support to countries around the world that are searching and reaching for the kind of freedom we too often take for granted.

SP 101 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Pearce and Stegner were recorded present at this order of business.

February 19, 2008

The JUDICIARY AND RULES Committee reports that **S 1432** and **S 1433** have been correctly printed.

DARRINGTON, Chairman

S 1432 and **S 1433** were referred to the State Affairs Committee.

February 18, 2008

The STATE AFFAIRS Committee reports out **H 351** and **S 1414** with the recommendation that they do pass.

McKENZIE, Chairman

H 351 and **S 1414** were filed for second reading.

February 18, 2008

The STATE AFFAIRS Committee reports out **S 1415** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

McKENZIE, Chairman

There being no objection, **S 1415** was referred to the Fourteenth Order of Business, General Calendar.

February 18, 2008

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Kim Wherry Toryanski as Administrator of the Idaho Commission on Aging, term to expire at the pleasure of the Governor.

McKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 18, 2008

The JUDICIARY AND RULES Committee reports out **S 1383**, **S 1419**, and **H 352** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1383, **S 1419**, and **H 352** were filed for second reading.

February 18, 2008

The JUDICIARY AND RULES Committee reports out **S 1431** with the recommendation that it be referred to the Commerce and Human Resources Committee.

DARRINGTON, Chairman

There being no objection, **S 1431** was referred to the Commerce and Human Resources Committee.

February 18, 2008

The JUDICIARY AND RULES Committee reports out **S 1422** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **S 1422** was referred to the Fourteenth Order of Business, General Calendar.

February 18, 2008

The HEALTH and WELFARE Committee reports out **S 1425** with the recommendation that it do pass.

LODGE, Chairman

S 1425 was filed for second reading.

February 18, 2008

The EDUCATION Committee reports out **S 1407** and **S 1428** with the recommendation that they do pass.

GOEDDE, Chairman

S 1407 and **S 1428** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Lodge, Gannon, and Schroeder were recorded present at this order of business.

February 18, 2008

Mr. President:

I transmit herewith **H 469**, **H 470**, **H 348**, as amended, **H 417**, as amended, **H 376**, as amended, **H 410**, as amended, **H 403**, as amended, **H 385**, as amended, **H 446**, as amended, **H 408**, as amended, and **H 406**, as amended, which have passed the House.

ALEXANDER, Chief Clerk

H 469, **H 470**, **H 348**, as amended, **H 417**, as amended, **H 376**, as amended, **H 410**, as amended, **H 403**, as amended, **H 385**, as amended, **H 446**, as amended, **H 408**, as amended, and **H 406**, as amended, were filed for first reading.

February 18, 2008

Mr. President:

I return herewith **S 1272** which has passed the House.

ALEXANDER, Chief Clerk

S 1272 was referred to the Judiciary and Rules Committee for enrolling.

February 18, 2008

Mr. President:

I return herewith Enrolled **S 1246, S 1247, S 1284, S 1338, S 1346, S 1347, and S 1358** which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **S 1246, S 1247, S 1284, S 1338, S 1346, S 1347, and S 1358** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

February 18, 2008

Mr. President:

I return herewith Enrolled **SJM 109**, which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **SJM 109** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointments of Tom Long and C. Wayne Hunsucker was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Bastian, seconded by Senator Langhorst, the Gubernatorial appointment of Tom Long as a member of the Idaho Outfitters and Guides Licensing Board was confirmed by voice vote.

On motion by Senator Heinrich, seconded by Acting Senator Sagness, the Gubernatorial appointment of C. Wayne Hunsucker as a member of the Idaho Outfitters and Guides Licensing Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1434

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5202, IDAHO CODE, TO PROVIDE THAT THE OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR

SHALL HAVE THE AUTHORITY TO MAKE CLERICAL REVISIONS OR TO CORRECT MANIFEST TYPOGRAPHICAL OR GRAMMATICAL ERRORS TO BOTH PROPOSED AND EXISTING RULES UNDER CERTAIN CIRCUMSTANCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-5223, IDAHO CODE, TO ALLOW THE RULES COORDINATOR TO MAKE TECHNICAL CORRECTIONS AND THEN SUBMIT PROPOSED RULES AND ACCOMPANYING NOTICE TO THE DIRECTOR OF LEGISLATIVE SERVICES FOR REVIEW; AND DECLARING AN EMERGENCY.

S 1435

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE DEPARTMENT OF ADMINISTRATION; REPEALING SECTION 58-330, IDAHO CODE, RELATING TO THE INTEGRATED PROPERTY RECORDS SYSTEM; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 67-5779, 67-5780, 67-5781 AND 67-5782, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE DUTIES AND POWERS OF THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION, TO SET FORTH THAT STATE AGENCIES ARE TO PROVIDE CERTAIN RECORDS AND DATA, AND TO PROVIDE THAT THE RESPONSIBILITY FOR QUALITY REMAINS WITH THE ORIGINATOR.

S 1434 and **S 1435** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 469 and **H 470**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 348, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 417, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 376, as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 410, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 403, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 385, as amended, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 446, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 408, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 406, as amended, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1379, S 1387, and S 1389, by Transportation Committee, were read the second time at length and filed for third reading.

S 1348, by Resources and Environment Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President called President Pro Tempore Geddes to the Chair.

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President Pro Tempore called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1344, S 1380, and S 1397**, without recommendation, amended as follows:

SENATE AMENDMENT TO S 1344

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 11, delete "An" and in line 12, delete "insurer," and insert: "A health insurer that provides disability insurance as defined in section 41-503, Idaho Code,".

SENATE AMENDMENT TO S 1380

AMENDMENT TO SECTION 2

On page 5 of the printed bill, in line 51, delete "Except as allowed by" and delete line 52 and insert: "Except as otherwise specifically provided by law, a person shall not intentionally communicate an individual's social security number to the general public."; and on page 6, delete line 1.

SENATE AMENDMENT TO S 1397

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete lines 27 through 29; in line 30, delete "(2)" and insert: "(1)"; delete lines 32 through 40; and in line 41, delete "(4)" and insert: "(2)".

On page 2, in line 3, delete "(5)" and insert: "(3)"; in line 11, delete "(6)" and insert: "(4)"; in line 12, delete "(7)" and insert: "(5)"; and in line 13, delete "(8)" and insert: "(6)".

The Committee also has **S 1361, S 1329, S 1252, S 1403, and S 1353** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Langhorst, the report was adopted by voice vote.

S 1344, as amended, **S 1380**, as amended, and **S 1397**, as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, **S 1369**, having been held, retained its place on the Third Reading Calendar for Thursday, February 21, 2008.

S 1350, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Werk. Total - 32.

NAYS--None.

Absent and excused--Corder, McKenzie, Stennett. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1350** passed, title was approved, and the bill ordered transmitted to the House.

Senator McKenzie was recorded present at this order of business.

S 1318, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner. Total - 30.

NAYS--None.

Absent and excused--Coiner, Corder, Gannon, Stennett, Werk. Total - 5.

Total - 35.

Whereupon the President Pro Tempore declared **S 1318**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

The President returned to the Chair.

S 1339, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Darrington, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Werk. Total - 29.

NAYS--Davis, Fulcher, Jorgenson. Total - 3.

Absent and excused--Corder, Gannon, Stennett. Total - 3.

Total - 35.

Whereupon the President declared **S 1339**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1321, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Broadsword, Burkett, Cameron, Coiner, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Werk. Total - 31.

NAYS--None.

Absent and excused--Bilyeu, Corder, Gannon, Stennett. Total - 4.

Total - 35.

Whereupon the President declared **S 1321**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1324, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Broadsword, Burkett, Cameron, Coiner, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Werk. Total - 31.

NAYS--None.

Absent and excused--Bilyeu, Corder, Gannon, Stennett. Total - 4.

Total - 35.

Whereupon the President declared **S 1324**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1256, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Broadsword, Burkett, Cameron, Coiner, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Werk. Total - 31.

NAYS--None.

Absent and excused--Bilyeu, Corder, Gannon, Stennett. Total - 4.

Total - 35.

Whereupon the President declared **S 1256**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Langhorst, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 10:30 a.m., Wednesday, February 20, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary